

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN DEBBY BARRETT**, on January 21, 2003 at 8 A.M., in Room 455 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Debby Barrett, Chairman (R)  
Rep. Dee Brown, Vice Chairman (R)  
Rep. Larry Jent, Vice Chairman (D)  
Rep. Norman Ballantyne (D)  
Rep. Arlene Becker (D)  
Rep. Sue Dickenson (D)  
Rep. Carol Gibson (D)  
Rep. Daniel S. Hurwitz (R)  
Rep. Hal Jacobson (D)  
Rep. Larry Lehman (R)  
Rep. Ralph Lenhart (D)  
Rep. Alan Olson (R)  
Rep. Bernie Olson (R)  
Rep. Don Roberts (R)  
Rep. Clarice Schrumpf (R)  
Rep. Frank Smith (D)  
Rep. Pat Wagman (R)  
Rep. Jonathan Windy Boy (D)  
Rep. Cindy Younkin (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Joan Reiman, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 203, 1/6/2003  
Executive Action: HB 109 DO PASS AS AMENDED;  
HB 309 DO PASS

**HEARING ON HB 203**

**Sponsor:** REP. ALAN OLSON, HD 8, Roundup

**Opening Statement by Sponsor:**

**REP. OLSON** explained the bill will clarify the process for Initiatives, define signature-gathering requirements, and will limit or expand use of technologies in getting signatures in various situations. It incorporates statute language and requires signers of Initiative petitions to state what county they reside in, rather than legislative district. The signatures must be obtained from 1/2 of the counties, faxed forms must follow with the original within seven days, signature gatherers must have an affidavit that they witnessed the signature and must identify the date signed.

**{Tape: 1; Side: A; Approx. Time Counter: 0 - 7.6}**

**Proponents' Testimony:**

**Janice Doggett, Chief Legal Counsel, Secretary of State**, provided examples of petitions wrongly prepared. She said the 1977 law was before the internet, so this bill brings it up to the information age, corrects abuses seen, and makes the process more accountable. The Secretary of State can reject the petition if it is not constitutional, whereas now it must be accepted even it is obviously cut and pasted, she testified.

**EXHIBIT (sth12a01)**

**Mark Mackon, Helena**, said most changes in the process are necessary and worthwhile but he has a problem listing date of birth, which is a unique identifier like a social security number. He wanted it changed to perhaps 1st & 2nd initials.

**{Tape: 1; Side: A; Approx. Time Counter: 7.6 - 12.8}**

**Opponents' Testimony:**

**Patrick Judge, Montana Environmental Information Committee (MEIC)**, also testified he objects to using date of birth to identify voters. This is a privacy issue, he said, and he has identity theft concerns. Another concern is with the date signatures are collected; retail businesses sometimes have petitions at their stores. He asked if the signature gatherers could just verify the dates were over a one-week period for such cases.

**Sam Sperry, Volunteer with American Association of Retired Persons (AARP)**, also opposed the date of birth requirement. He asked members to consider the possible impact. He said he also wants to keep the legislative district rather than county to verify the place of residence.

**EXHIBIT (sth12a02)**

**Matt Leow, Montana Public Interest Research Group (MTPIRG)**, voiced that his only objection was the date of birth requirement.

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**Questions from Committee Members and Responses:**

**REP. DEE BROWN** asked about changing the date of birth requirement. **REP. OLSON** responded he had no problem with that. **REP. BROWN** asked if Mr. Sperry wanted to list district but not county. **Mr. Sperry** replied that was right. **REP. BROWN** remarked since most folks don't know what their district is, the county elections office would then have to certify their signature. **REP. YOUNKIN** asked Ms. Doggett if that clause could be changed. She said they can't change that language so they have to keep the county in there. **REP. YOUNKIN** asked if they wanted date of birth only when two names are the same. **Ms. Doggett** said yes, but an alternative is to print their full name, or use middle initial. It was election administrators who asked for the date of birth identifier.

**REP. JONATHAN WINDY BOY** asked the sponsor about inconsistent language. **REP. OLSON** said he needs an amendment to make it consistent. **REP. WINDY BOY** asked if the bill would provide for electronic signatures over the internet. **REP. OLSON** said it would not. **REP. CAROL GIBSON** voiced a concern about requiring the date signed. If a petition were dropped at a store, she asked, could the bill give them a week's range to sign. **REP. OLSON** deferred to **Ms. Doggett**, who said that would be permissible. **REP. DICKENSON** wanted clarification about the signature gatherer. **Ms. Doggett** said the signature gatherer signs that they witnessed the signature in case problems arise later.

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**Closing by Sponsor:**

**REP. OLSON** said this bill allows citizen involvement, protects the process and stops abuses, but that the bill needs amendments.  
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**EXECUTIVE ACTION ON HB 109**

**Motion:** REP. YOUNKIN moved HB 109 DO PASS.

**Motion:** REP. YOUNKIN moved HB 109 AMENDMENT.  
**EXHIBIT**(sth12a03)

**Discussion:** Legislative staffer Sherri Heffelfinger distributed a copy of the amendment. REP. YOUNKIN said she wanted a sunset date, and the amendment does that. REP. LEHMAN asked if the action must be completed by the determination date. Ms. Heffelfinger said it requires the report by agencies be due February 1. The report to the legislature must be before that date. REP. LEHMAN said determination doesn't equate to completion. Agencies could issue reports but have nothing done. REP. GIBSON agreed and asked if there would be time for them to complete the work. REP. BROWN said agencies deal with separate parts of Code. Huge parts would never be touched by the bill. CHAIRMAN BABBETT said agencies try to limit bill drafts.

REP. SMITH asked how they would know if the work was completed. CHAIRMAN BABBETT did not know if they needed a sunset date. REP. BERNIE OLSON asked Sherri Heffelfinger, who said they have to report, then the commission may prepare legislation to implement that. They look at statutes if they are looking at bill drafts. The commission would have to set expectations and guide them. REP. BROWN said she wanted a sunset date. A future legislature can put the bill back. This will slice through the top layer, but not have a continuing budget item. REP. HURWITZ said he favors a sunset date. REP. JACOBSON said that is doable within the time frame and will force the issue. Question was called.

**Vote:** On a voice vote, the amendment carried 19-0 with REP. JENT voting by proxy.

**Motion:** REP. OLSON moved HB 109 DO PASS AS AMENDED.

**Discussion:** REP. WAGMAN said he will vote no because of the budget situation. REP. YOUNKIN said some bad laws don't fall into the purview of any agency and that agencies are doing this anyway. She cautioned, don't expect the result to be a perfect Code. REP. ALAN OLSON agreed with her. He said regarding the fiscal note, agencies are inconsistent. This bill will not result in a wholesale reduction of state laws. REP. GIBSON said

agencies will be doing the work they are inclined to do anyway and she supports it.

**Vote:** On a voice vote, motion **carried 16-3 with REPS. A. OLSON, WAGMAN, and YOUNKIN voting no. REP. JENT voted by proxy.**

#### **EXECUTIVE ACTION ON HB 138**

**CHAIRMAN BARRETT** called for amendments and said they will wait until amendments are in. **REP. BALLANTYNE** said he will contact sponsor, **REP. LEWIS**.

**REP. JENT** returned to the meeting.

#### **EXECUTIVE ACTION ON HB 309**

**Motion:** **REP. ALAN OLSON** moved **HB 309 DO PASS**.

**Discussion:** **REP. ALAN OLSON** said the bill needs to go to the House floor. **REP. YOUNKIN** asked if they could move to reconsider. **Ms. Heffelfinger** said there is no need for that, as they did not take action when the motion to pass failed.

**REP. WINDY BOY** asked how far back the retroactive changes would be. **Ms. Heffelfinger** said the current Plan has not been filed; it's receiving legislative comment. It can be negated. **REP. GIBSON** said she thought if a bill was defeated, it was done. **CHAIRMAN BARRETT** said a bill can come back when tabled. If it passes, they can toss it; if it does not pass or is tabled, keep it. **REP. LENHART** said if it passes, the Districting and Apportionment Commission must start over the work of two years, and come up with another Plan. **CHAIRMAN BARRETT** said it will be the same Commission to come up with a new Plan. **REP. BROWN** asked who was at the hearing. **CHAIRMAN BARRETT** said that Commissioners Jellison, Lamson, Rice and their Chair were there. **REP. SMITH** asked the cost if passed. **Ms. Heffelfinger** did not know. **REP. HURWITZ** said if the House wants to see the bill, he'll change his vote. **REP. JENT** said the House could move to take it from committee with a 3/5 vote.

**Substitute Motion/Vote:** **REP. JENT** made a substitute motion **HB 309 BE TABLED**. On a roll call vote, motion **failed 9-10**. **Voting aye** were **REPS. JENT, BALLANTYNE, BECKER, DICKENSON, GIBSON, JACOBSON, LENHART, SMITH, and WINDY BOY**. Question was called.

**Vote:** On a voice vote, HB 309 DO PASS carried 10-9. Voting no were REPS. JENT, BALLANTYNE, BECKER, DICKENSON, GIBSON, JACOBSON, LENHART, SMITH and WINDY BOY.

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**ADJOURNMENT**

Adjournment: 9:10 A.M.

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REP. DEBBY BARRETT, Chairman

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JOAN REIMAN, Secretary

DB/JR

***EXHIBIT*** (*sth12aad*)